

Thibault, Suhr & Thibault, Inc.

Invoice

Suite 107
6818 Grover Street
Omaha, NE 68106
(402) 331-2500 (402) 331-1198 (Fax)

Date	Invoice #
2/4/2008	6095

To	
Mr. Alan Thelen Attorney at Law City of Omaha Law Department 1819 Farnam Street, Suite 804 Omaha NE 68183	

Court Repor...	Job Date	Delivery Via	Case	
			Griffs	Young v. Dornan
Unit	Description	Witness	Price ...	Amount
109	Copy	Patrick J. Borchers	1.00	109.00
131	Exhibits	On CD only	0.20	26.20
7	Delivery	Exhibit Tabs	0.20	1.40
		February 4, 2008	4.25	4.25
		David J. Young v. Stuart J. Dornan et al		

Total \$140.85

MAKE CHECKS PAYABLE TO:

Thibault, Suhr & Thibault, Inc.

Fed I.D. 47-0623076

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TWIN CITY REPORTERS, Ltd.

421 West Broadway
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Council Bluffs, IA 51503-9046

Phone (712) 325-6109
Fax (712) 309-0280

* NEBRASKA GENERAL NOTARIES
* IOWA CERTIFIED REPORTERS

TO: **ALAN M. THELEN**
Assistant City Attorney
City of Omaha Law Department
Omaha/Douglas Civic Center
1819 Farnam Street, Suite 804
Omaha, NE 68183

RE: **YOUNG vs. DORNAN, et al.**
U. S. DISTRICT COURT, DISTRICT OF NEBRASKA
CASE NO. 8:07-cv-00265

INVOICE NO. **4244 NJ**

DATE DELIVERED: June 6, 2008 **HAND DELIVERED**

For providing a standard copy, condensed copy, keyword index, and ASCII disk of the videotaped deposition of **DAVID J. YOUNG** taken on May 19, 2008, in Omaha, Nebraska, in the above-mentioned case. A copy of the exhibits was not requested. The exhibits are with the original transcript. Read and Sign transcript in the care of Mr. Thomas Young.

COPY COST	\$315.00
ASCII	10.00
TOTAL	\$325.00

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COUNCIL BLUFFS, IA 51502**

FIDN: 47-0729038

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ORIGINAL

Cynthia A. Craig, Court Reporter

INVOICE

MATHESON-TAULBORG COURT REPORTERS
7602 Pacific Street, Suite LL101
Omaha, Nebraska 68114
(402) 397-9669

INVOICE #: 506
DATE: June 5, 2008
CASE: Young vs. Dornan

Bill To:

MR. ALAN M. THELEN
CITY OF OMAHA LAW DEPARTMENT
804 Civic Center
1819 Farnam Street
Omaha, Nebraska 68183-0001

MAKE CHECKS PAYABLE TO
CYNTHIA A. CRAIG
TAX I.D. 508-11-0034

Make all checks payable to CYNTHIA A. CRAIG, TAX I.D. 508-11-0034
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* NEBRASKA GENERAL NOTARIES
* IOWA CERTIFIED REPORTERS

TO: **ALAN M. THELEN**
Assistant City Attorney
City of Omaha Law Department
Omaha/Douglas Civic Center
1819 Farnam Street, Suite 804
Omaha, NE 68183

RE: YOUNG vs. DORNAN, et al.
U.S. DISTRICT COURT, DISTRICT OF NEBRASKA
CASE NO. 8:07-cv-00265

INVOICE NO. 4837 NJ

DATE DELIVERED: January 23, 2009

For providing a standard copy, condensed copy, keyword index, and ASCII disk of the videotaped deposition of **DAVID J. YOUNG** taken on January 8, 2009, in Omaha, Nebraska, in the above-mentioned case. The exhibits are with the original transcript. Read and Sign transcript in the care of Mr. Thomas Young.

STANDARD COPY COST	\$ 88.75
ASCII	10.00
POSTAGE & HANDLING	8.95
TOTAL	\$107.70

THANK YOU FOR YOUR PATRONAGE

DUE AND PAYABLE UPON RECEIPT

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COPY

Thibault, Suhr & Thibault, Inc.

Suite 107
 6818 Grover Street
 Omaha, NE 68106
 (402) 331-2500 (402) 331-1198 (Fax)

Invoice

Date	Invoice #
5/19/2009	6570

To
Mr. Alan Thelen Attorney at Law City of Omaha Law Department 1819 Farnam Street, Suite 804 Omaha NE 68183

Court Repor...	Job Date	Delivery Via	Case
AJT	5/14/2009	Griffs	Young v. Dornan

Unit	Description	Witness	Price ...	Amount
90	Copy	Jenna Johnson	1.20	108.00
30	Copy	William Johnson <i>2 COPIES</i>	1.20	36.00
29	Copy	John Villwok <i>6 "</i>	1.20	34.80
	Subtotal			178.80
	Exhibits	None Copied	0.00	0.00
	Delivery	May 19, 2009	4.50	4.50
		David J. Young v. Stuart J. Dornan et al		
		PAYMENT IN FULL WITHIN 30 DAYS		

	Total	\$183.30
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 Fed I.D. 47-0623076

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Suite 107
6818 Grover Street
Omaha, NE 68106
(402) 331-2500 (402) 331-1198 (Fax)

Invoice

Date	Invoice #
7/10/2009	76610

To
Mr. Alan Thelen Attorney at Law City of Omaha Law Department 1819 Farnam Street, Suite 804 Omaha NE 68183

Court Repor...	Job Date	Delivery Via	Case
SB	6/29/2009	Griffs	Young v. Dornan

Unit	Description	Witness	Price ...	Amount	
174	Copy	Matthew R. Kahler	1.20	208.80	
87	Exhibits Delivery	July 10, 2009 David J. Young v. Stuart J. Dornan et al	0.20 4.50	17.40 4.50	

	Total	\$230.70
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Fed I.D. 47-0623076

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Thibault, Suhr & Thibault, Inc.

Suite 107

6818 Grover Street

Omaha, NE 68106

(402) 331-2500 (402) 331-1198 (Fax)

Invoice

Date	Invoice #
7/21/2009	6629

To
Mr. Alan Thelen Attorney at Law City of Omaha Law Department 1819 Farnam Street, Suite 804 Omaha NE 68183

Court Repor...	Job Date	Delivery Via	Case		
			AJT	7/15/2009	Griffs
Unit	Description	Witness	Price ...	Amount	
140	Copy	Sandra Denton	1.20	168.00	
144	Copy	Angie Circo	1.20	172.80	
72	Copy	Allen Reyes	1.20	86.40	
	Subtotal			427.20	
20	Exhibits	Sandra Denton	0.20	4.00	
112	Exhibits	Angie Circo	0.20	22.40	
123	Exhibits	Allen Reyes	0.20	24.60	
16	Delivery	Exhibit Tabs 2 Deliveries	0.20 9.00	3.20 9.00	
		David J. Young v. Stuart J. Dornan et al			
		PAYMENT IN FULL WITHIN 30 DAYS			

	Total	\$490.40
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Fed I.D. 47-0623076

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AT

INVOICE

Thomas & Thomas Court Reporters
 P.O. Box 31250
 Omaha, NE 68131
 Phone: 402-556-5000 Fax: 402-556-2037

Alan M. Thelen
 City of Omaha Law Department
 804 Civic Center, 1819 Farnam Street
 Omaha, NE 68183

Invoice No.	Invoice Date	Job No.
15265	7/24/2009	31660
Job Date	Case No.	
7/13/2009	8:07 CV 265	
Case Name		
David J. Young v Dornan and City of Omaha et al		
Payment Terms		
Due upon receipt		

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:

Todd Murphy	567.20
Hourly	3.50 Hours 77.00
Appearance after 5:00 pm	0.50 Hours 18.00
<hr/>	
TOTAL DUE >>>	\$662.20
AFTER 8/23/2009 PAY	\$695.31

Please attach copy of invoice with payment. Thank you.

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Alan M. Thelen
 City of Omaha Law Department
 804 Civic Center, 1819 Farnam Street
 Omaha, NE 68183

Job No. : 31660 BU ID : 1-MAIN
 Case No. : 8:07 CV 265
 Case Name : David J. Young v Dornan and City of Omaha et al
 Invoice No. : 15265 Invoice Date : 7/24/2009
Total Due : \$ 662.20
 AFTER 8/23/2009 PAY \$695.31

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
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Remit To: Thomas & Thomas Court Reporters
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 Omaha, NE 68131

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Thibault, Suhr & Thibault, Inc.

Suite 107
 6818 Grover Street
 Omaha, NE 68106
 (402) 331-2500 (402) 331-1198 (Fax)

Invoice

Date	Invoice #
8/17/2009	4846

To	
Mr. Alan Thelen Attorney at Law City of Omaha Law Department 1819 Farnam Street, Suite 804 Omaha NE 68183	

Court Repor...	Job Date	Delivery Via	Case
GT	8/7/2009	US Mail	Young v. Dornan

Unit	Description	Witness	Price ...	Amount	
30	Copy	Jennifer A. Thompson	1.20	36.00	
2	Exhibits Delivery	US Mail 8/18/09 David J. Young v. Stuart J. Dornan et al	0.20 2.75	0.40 2.75	

PAYMENT IN FULL
WITHIN 30 DAYS

	Total	\$39.15
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 Fed I.D. 47-0623076

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OK AMT

MICHELLE BREZINSKI
Court Reporter
7602 Pacific Street, Suite LL101
Omaha, Nebraska 68114
(402) 397-9669

Date: August 24, 2009
RE: Young vs. City of Omaha,
Johnson, et al.

PLEASE MAKE CHECK PAYABLE TO:

MICHELLE BREZINSKI
TAX I.D. 484-84-3676

TO: Mr. Alan M. Thelen
Assistant City Attorney
City Attorney's Office
804 Civic Center
1819 Farnam Street
Omaha, Nebraska 68183

8-21-09 | Deposition of Sarah Arpin
| Appearance, original plus one copy,
| obtaining signature and delivery \$246.50

Total amount due \$246.50

MATHESON-TAULBORG COURT REPORTERS
Thank you!
We appreciate your business!

OK AM+

Thibault, Suhr & Thibault, Inc.

Suite 107
6818 Grover Street
Omaha, NE 68106
(402) 331-2500 (402) 331-1198 (Fax)

Invoice

Date	Invoice #
7/13/2009	76623

To
Mr Timothy Himes, Sr. City of Omaha Law Department Suite 804 1819 Farnam Street Omaha NE 68183

Court Repor...	Job Date	Delivery Via	Case		
			Youn gv. Dornan		
Unit	Description	Witness	Price ...	Amount	
107	Copy	Stuart J. Dornan	1.20	128.40	
25	Copy	Teresa Neron	1.20	30.00	
	Subtotal			158.40	
18	Exhibits	Stuart J. Dornan	0.20	3.60	
31	Exhibits	Teresa Negron	0.20	6.20	
	Delivery	July 13, 2009	4.51	4.51	
		David J. Young v. Stuart J. Dornan et al			

	Total	\$172.71
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Fed I.D. 47-0623076

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INVOICE

Hurley Reporting, Inc.
TAX ID: 26-2286122
Julie L. Hurley, CCR, RMR, CRR
Official Court Reporter
1701 Farnam Street, #9
Omaha, Nebraska 68183
(402) 444-7013

December 10, 2009

Mr. Alan Thelen
Assistant City Attorney
1819 Farnam Street
Omaha, NE 68183

via e-mail

DESCRIPTION:

State v. David Young,
Douglas County, Nebraska, 167-952

Transcript of jury trial
PDF submitted via e-mail

1/3 total cost (\$3370.25) split between defendants in federal lawsuit

TOTAL PAID ON ACCOUNT 2008\$1123.42

Thank you for your business.

All copies of a Bill of Exceptions must be purchased by contacting me personally.
Copies may be purchased in paper or electronic format at 50 cents per page per
Supreme Court Rules.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID J. YOUNG,)	Case No. 8:07CV265
)	
Plaintiff,)	
)	
vs.)	SUBPOENA DUCES TECUM
)	
STUART J. DORNAN, individually)	
and in his official capacity;)	
DOUGLAS COUNTY, NEBRASKA,)	
a political subdivision of the State of)	
Nebraska; CITY OF OMAHA, a)	
political subdivision of the State of)	
Nebraska; JENNA R. JOHNSON;)	
WILLIAM J. JOHNSON;)	
BRIDGETTE JOHNSON; SANDRA)	
L. DENTON, individually and in her)	
official capacity; MATTHEW)	
R. KAHLER, individually and in his)	
official capacity; JENNIFER)	
THOMPSON, individual and in her)	
Official capacity; ANGIE CIRCO,)	
individually and in her official capacity;)	
ALAN REYES, individually and in)	
his official capacity; TERESA)	
NEGRON, individually and in her)	
official capacity; JOHN DOE #1,)	
real and true name unknown; JANE)	
DOE #1, real and true name unknown,)	
)	
Defendants.)	

TO: James Martin Davis
LAW OFFICES OF JAMES MARTIN DAVIS
1623 Farnam Street, Suite 500
Omaha, NE 68102-2106

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, **YOU ARE HEREBY
COMMANDED** to appear and testify at a deposition on May 22, 2008, at 9:00 a.m., at the

offices of Alan M. Thelen, Deputy City Attorney, Omaha/Douglas Civic Center, **1819 Farnam Street, Suite 804**, Omaha, Nebraska, and also at that time and place produce the following designated items:

1. All written agreements, memoranda, letters, or other documents evidencing the arrangement or agreement for the legal representation of David J. Young in the criminal case at issue herein.
2. All checks, check registers, invoices, billing statements, receipts, or other documents evidencing the charging and/or payment of fees and costs for the criminal defense of David J. Young.
3. All time sheets or other documents itemizing or otherwise evidencing legal services rendered to or for the benefit of David J. Young.
4. All correspondence, reports, or other documents transmitted by or to Todd Murphy or any agent of Universal Information Services, Inc. regarding David J. Young's criminal case at issue.

The term "documents" used above shall include paper documents, electronically stored information, or other tangible things.

Pursuant to NECivR 45.1(a), notice of this subpoena was given to adverse parties on April 9, 2008, and no timely objections were filed.

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction--which may include lost earnings and reasonable attorney's fees--on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises--or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person--except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

ISSUING OFFICER:
Attorney for Defendants


By Alan M. Thelen
Deputy City Attorney
804 Omaha/Douglas Civic Center
1819 Farnam Street
Omaha, NE 68183
Telephone: 402/444-5115

PROOF OF SERVICE

SERVED ON: JAMES MARTIN DAVIS

ADDRESS SERVED: 1623 FARNAM #500

DATE OF SERVICE: 4/28/08

MANNER OF SERVICE: PERSONALLY

SERVED BY: Alan M. Thelen

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
Date _____

Signature of Server

Address of Server:

Rec'd from Mr. Wm. C. T.

25 Day of April 2008
28 Day of April 2008
JAMES MARTIN DAVIS
DELIVERING TO HIM.

By _____

Newark

\$45.00
Fee pd
to witness

Pete D. H.
Constable.

\$25.00
/
\$25.00

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID J. YOUNG,)	Case No. 8:07CV265
)	
Plaintiff,)	
)	
vs.)	SUBPOENA DUCES TECUM
)	
STUART J. DORNAN, individually)	
and in his official capacity;)	
DOUGLAS COUNTY, NEBRASKA,)	
a political subdivision of the State of)	
Nebraska; CITY OF OMAHA, a)	
political subdivision of the State of)	
Nebraska; JENNA R. JOHNSON;)	
WILLIAM J. JOHNSON;)	
BRIDGETTE JOHNSON; SANDRA)	
L. DENTON, individually and in her)	
official capacity; MATTHEW)	
R. KAHLER, individually and in his)	
official capacity; JENNIFER)	
THOMPSON, individual and in her)	
Official capacity; ANGIE CIRCO,)	
individually and in her official capacity;)	
ALAN REYES, individually and in)	
his official capacity; TERESA)	
NEGRON, individually and in her)	
official capacity; JOHN DOE #1,)	
real and true name unknown; JANE)	
DOE #1, real and true name unknown,)	
)	
Defendants.)	

TO: Jennie L. Young
LAW OFFICES OF JAMES MARTIN DAVIS
1623 Farnam Street, Suite 500
Omaha, NE 68102-2106

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, **YOU ARE HEREBY**
COMMANDLED to appear and testify at a deposition on **May 22, 2008, at 10:00 a.m.**, at the

offices of Alan M. Thelen, Deputy City Attorney, Omaha/Douglas Civic Center, **1819 Farnam Street, Suite 804**, Omaha, Nebraska, and also at that time and place produce the following designated items:

1. All documents evidencing contacts between Jennie L. Young and any employees of the City of Omaha regarding David J. Young.
2. All documents evidencing contacts between Jennie L. Young and any employees of the Douglas County Attorney's office regarding David J. Young.
3. All documents evidencing any contacts between Jennie L. Young and Douglas County Court Judge Craig Q. McDermott regarding David J. Young.
4. All documents evidencing any contacts between Jennie L. Young and Jenna Johnson, William Johnson, and/or Bridgett Johnson regarding David J. Young.
5. All written agreements, memoranda, letters, or other documents evidencing the arrangement or agreement for the legal representation of David J. Young in the criminal case at issue herein.
6. All checks, check registers, invoices, billing statements, receipts, or other documents evidencing the charging and/or payment of fees and costs for the criminal defense of David J. Young.
7. All documents in Jennie L. Young's possession evidencing David J. Young's claims that employees of the Omaha Police Department conspired against David J. Young, violated his rights, or otherwise acted unlawfully in the investigation or prosecution of the criminal case at issue against him.
8. All documents in Jennie L. Young's possession evidencing David J. Young's claims that employees of the Douglas County Attorney's Office conspired against David J.

Young, violated his rights, or otherwise acted unlawfully in the investigation or prosecution of the criminal case at issue against him.

9. All documents in Jennie L. Young's possession evidencing David J. Young's claims that Jenna Johnson, William Johnson, and/or Bridgett Johnson conspired against David J. Young, violated his rights, or otherwise acted unlawfully in connection with the series of events that are the subject of the Complaint filed by David J. Young currently pending in the U.S. District Court for the District of Nebraska.

The term "documents" used above shall include paper documents, electronically stored information, or other tangible things.

Pursuant to NECivR 45.1(a), notice of this subpoena was given to adverse parties on April 9, 2008, and no timely objections were filed.

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction--which may include lost earnings and reasonable attorney's fees--on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises--or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person--except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) *Duties in Responding to a Subpoena.*

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

ISSUING OFFICER:
Attorney for Defendants



By Alan M. Thelen

Deputy City Attorney
804 Omaha/Douglas Civic Center
1819 Farnam Street
Omaha, NE 68183
Telephone: 402/444-5115

PROOF OF SERVICE

SERVED ON: Jennie L. Youngs

ADDRESS SERVED: 1623 FARNAM #500

OMAHA NE

DATE OF SERVICE: 4/28/08

MANNER OF SERVICE: PERSONALLY

SERVED BY: Pete Thelen

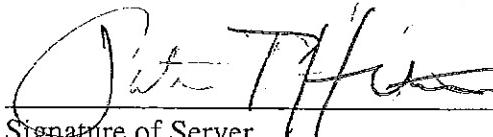
DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

4/28/08

Date



Signature of Server

Address of Server:

1819 FARNAM #500
OMAHA NE 68183

Received this writ on the 25 day of April; 16 2008
I hereby certify that on the 28 day of April, 18 2008
served same on the within named defendant JENNIE L. YOUNG
By witness, personally, at his usual place of residence Delivering to Her.
with all endorsements thereon, all done in the City of Omaha, Douglas County,
Nebraska.

\$145.00 FEE pd
to witness

Rick D. Ha
Constable

\$25.00
/
\$25.00